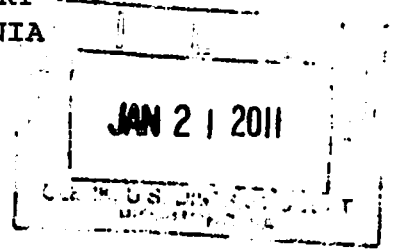


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



NAOMI A. MEYER,
Plaintiff,

v.

Civil Action No. 3:10cv386

BODDIE-NOELL ENTERPRISES,
INC., d/b/a HARDEE'S,

Defendant.

ORDER

By Order entered herein on December 10, 2010, the pending MOTION FOR SUMMARY JUDGMENT (Docket No. 15) was referred to Magistrate Judge M. Hannah Lauck for report and recommendation. Having reviewed the REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 28) entered herein on January 5, 2011, and there being no timely filed objections thereto, and the time for filing objections having expired, and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that the REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 28) is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION.

It is further ORDERED that:

(1) the MOTION FOR SUMMARY JUDGMENT (Docket No. 15) is granted and the Complaint is dismissed with prejudice;

(2) the defendant's MOTION *IN LIMINE* TO EXCLUDE THE TESTIMONY OF MARVIN E. WINSTON (Docket No. 26) is denied as moot;

(3) the defendant's MOTION *IN LIMINE* TO EXCLUDE REFERENCES TO KETCHUP, BARBEQUE SAUCE, AND CLEANING SOLUTION (Docket No. 24) is denied as moot; and

(4) the jury trial scheduled for 9:30 a.m. February 2, 2011 is cancelled.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: January 20, 2011